

Sixth Appellate District

San Jose, California

MONDAY, JUNE 27, 2005

H027794 F. HOFFMAN-LA ROCHE et al. v. SUPERIOR COURT

For the above reasons, the trial court's exercise of general jurisdiction over both Swiss defendants F. Hoffman and Roche Holding was error in that it offends constitutional due process considerations. Let a peremptory writ of mandate issue commanding the trial court to vacate its July 15, 2004 order denying the motion of F. Hoffman and Roche Holding to quash service of summons and enter a new order granting the motion. The stay of action as to the petitioners previously issued by this court is hereby dissolved. Petitioners are awarded their costs incurred in this original proceeding. (published) (Walsh, J.\*; We concur: Premo, Acting P.J., Elia, J.)

Filed June 27, 2005

(\*Judge of the Santa Clara County Superior Court assigned by the Chief Justice pursuant to article VI, section 6 of the California Constitution.)

TUESDAY, JUNE 28, 2005

H027590 PEOPLE v. LOPEZ

The judgment is affirmed as modified. (not published) (McAdams, J.; We concur: Bamattre-Manoukian, Acting P.J., Mihara, J.)

Filed June 28, 2005

H027866 MARRIAGE OF ZDENKA AND HERMAN ASTER

By the Court\*:

Appellant's petition for rehearing is denied.

Filed: June 28, 2005

\*Before Rushing, P.J., Premo, J. and Elia, J.

H027528 PEOPLE v. BRADFORD

The conviction in count 4 is stricken. As so modified, the judgment is affirmed. (not published)

(Mihara, J.; We concur: Bamattre-Manoukian, Acting P.J., McAdams, J.)

Filed June 28, 2005

H027210 TERRY CARRON on Habeas Corpus

By the Court\*:

Respondent's petition for rehearing is granted.

Filed: June 28, 2005

\*Before Bamattre-Manoukian, Acting P.J., Mihara, J. and McAdams, J.

Sixth Appellate District

San Jose, California

Tuesday, June 28, 2005 (continued)

H027861 PEOPLE v. CHIOINO

By the Court\*:

Appellant's petition for rehearing is denied.

Filed: June 28, 2005

\*Before Rushing, P.J., Premo, J. and Elia, J.

WEDNESDAY, JUNE 29, 2005

H028725 LITMON, JR. v. SUPERIOR COURT; PEOPLE

Let a peremptory writ of mandate issue directing respondent court to vacate its order denying petitioner's section 170.6 challenge to Judge Bernal on the 2002 recommitment petition and to enter a new order granting the challenge. This opinion is made final immediately as to this court. (Cal. Rules of Court, rule 24(b)(3).) The temporary stay order issued May 6, 2005, is vacated. (not published)

(McAdams, J.; We concur: Bamattre-Manoukian, Acting P.J., Mihara, J.)

Filed June 29, 2005

H027772 NEASMAN v. CLARKE, et al.

By the Court\*:

Appellant's petition for rehearing is denied.

Filed: June 29, 2005

\*Before Bamattre-Manoukian, Acting P.J., Mihara, J. and McAdams, J.

H027244 PEOPLE v. BRAY

The judgment is modified as follows: the restitution ordered to the Franchise Tax Board is reduced by \$50,919 to \$226,005.99, the restitution ordered to the State Compensation Insurance Fund is reduced by \$19,726.07 to \$73,464.58, and the terms imposed on count six (Ins. Code, § 1871.4, subd.(a)(2)) and count fourteen (Unemp. Ins.Code, § 2110.7) are stayed pursuant to section 654. As modified, the judgment is affirmed. Upon remand, the trial court shall correct its records and forward a copy of the amended abstract to the Department of Corrections. (not published)

(Elia, J.; We concur: Rushing, P.J., Premo, J.)

Filed June 29, 2005

Sixth Appellate District

San Jose, California

Wednesday, June 29, 2005 (continued)

H027703 TAYLOR, et al. v. VAN-CATLIN CONSTRUCTION

The judgment is reversed. The trial court is directed to enter a new judgment that reflects confirmation of the arbitration award in full. Appellants are entitled to their costs on appeal. (published)

(Elia, J.; We concur: Rushing, P.J., Premo, J.)

Filed June 29, 2005

H027830 HOUSING AUTHORITY OF THE COUNTY OF MONTEREY v. JONES

The decision of the superior court appellate division is reversed and the matter is remanded to that division for complete review and decision by an appellate panel that does not include Judge Kingsley. (published)

(Walsh, J.\*; We concur: Rushing, P.J., Premo, J.)

Filed June 29, 2005

(\*Judge of the Santa Clara County Superior Court assigned by the Chief Justice pursuant to article VI, section 6 of the California Constitution.)

THURSDAY, JUNE 30, 2005

H027201 WADE v. SCHRADER et al.; SCHRADER et al. v. WADE, et al; McCUDDEN

The order of the superior court granting the motion of Thomas Wade to tax Craig Schrader's memorandum of costs in Santa Cruz County case No. CV144614 is affirmed.

The order of the superior court denying the special motion of Donald and Jean Schrader to strike the cross-complaint in Santa Cruz County case No. CV147365 is affirmed.

The order of the superior court denying the special motion of Richard McCudden to strike the cross-complaint in Santa Cruz County case No. CV147365 is affirmed. (not published)

(Premo, J.; We concur: Rushing, P.J., Elia, J.)

Filed June 30, 2005

H027382 PEOPLE v. MARTINEZ

The judgment is modified to strike the award of attorney fees and reduce the restitution and parole revocation fines pursuant to sections 1202.4 and 1202.45 to \$1,200. As modified the judgment is affirmed. (not published)

(McAdams, J.; We concur: Bamattre-Manoukian, Acting P.J., Mihara, J.)

Filed June 30, 2005

Sixth Appellate District

San Jose, California

Thursday, June 30, 2005 (continued)

H026811 PEOPLE v. CARDENAS

The judgment is reversed and remanded for further proceedings consistent with this opinion. (not published)  
(Rushing, P.J.; We concur: Premo, J., Elia, J.)  
Filed June 30, 2005

H027400 PEOPLE v. AIKENS

The judgment is affirmed. (not published)  
(Rushing, P.J.; We concur: Premo, J., Elia, J.)  
Filed June 30, 2005

H027222 PEOPLE v. HARVEY

The appeal is transferred to the appellate division of the superior court for proper disposition. (not published)  
(Rushing, P.J.; We concur: Premo, J., McAdams, J.)  
Filed June 30, 2005

H028485 PEOPLE v. STEVEN H.

The appeal is dismissed. (not published)  
(Rushing, P.J.; We concur: Premo, J., McAdams, J.)  
Filed June 30, 2005

H027072 PEOPLE v. DONELSON

The judgment is modified to reduce the restitution fund fine to \$9,800. In all other respects, the judgment is affirmed. (not published)  
(Mihara, J.; We concur: Bamattre-Manoukian, Acting P.J., McAdams, J.)  
Filed June 30, 2005

H028233 PEOPLE v. PIPER

The order denying his motion is affirmed. (not published)  
(Mihara, J.; We concur: Bamattre-Manoukian, Acting P.J., McAdams, J.)  
Filed June 30, 2005

H027561 LOPEZ v. YEH, et al.

The judgment is affirmed. (not published)  
(Mihara, J.; We concur: Bamattre-Manoukian, Acting P.J., McAdams, J.)  
Filed June 30, 2005

Sixth Appellate District

San Jose, California

FRIDAY, JULY 1, 2005

H027314 PEOPLE v. BORQUEZ

The conviction on count 3 (robbery) is reversed for insufficient evidence. The judgment is reversed and remanded for the limited purpose of resentencing on counts 1 and 2. (not published)

(Rushing, P.J.; We concur: Premo, J., Elia, J.)

Filed July 1, 2005

H027939 SCHWAGER, et al. v. ANDERSON

By the Court:

Appellant's request for relief from default for failure to file a timely opening brief is granted. The clerk of this court is directed to file appellant's opening brief forthwith and return the case to active status.

Time to file respondent's brief is extended to 30 days from the date of this order.

Filed: July 1, 2005

Rushing, P.J.